

Decision maker: Cabinet member housing, regulatory services and community safety

Decision date: Wednesday, 4 August 2021

Report by: Strategic Housing Manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Wards affected

(All Wards);

Purpose

To approve the Empty Property and Development Capital Budget allocated to Strategic Housing.

The grant funding will be made available to enable housing solutions to be found to meet the identified needs of vulnerable households and to provide grant assistance to property owners to bring their empty property back into use.

Recommendation(s)

That:

- (a) the Empty Property and Development Capital Budget of £1.8m is approved**
- (b) Authorisation to expend this budget and make grant awards be delegated to the Director for Economy & Place in accordance with the priorities listed in table 1, following consultation with relevant cabinet members and the Chief Finance Officer**
- (c) Authorisation to expend this budget on council led schemes be delegated to the Director for Economy & Place in accordance with the priorities listed in table 1,**

following consultation with relevant cabinet members and the Chief Finance Officer; and

- (d) Authority to be delegated to the Director for Economy & Place to amend the allocation of the budget between the identified priority needs in table 1 to best meet housing needs within the overall budget allocation, subject to consultation with the cabinet member and S151 Officer.

Alternative options

1. Do nothing. This is not recommended as the council has a statutory duty to house those who are homeless.
2. Not approve the grant, this would be in conflict with the council's County Plan 2020 – 2024 and the Corporate Delivery Plan 2020- 2022 to bring empty properties back in to use and increase the numbers of affordable accommodation.
3. Utilise the grant to support the delivery of 2500 council owned properties, however, this will not meet the identified needs of immediate vulnerable individuals who require a solution to either their exiting property or require a housing solution immediately.

Key considerations

4. The council has a statutory duty to house those who are unintentionally homeless and are in priority need, and a duty to understand and plan to meet local housing need. The nature of the work undertaken by the Strategic Housing service means that the capital grants are often quickly required at relatively short notice to support people of varying vulnerabilities. The consequences of the Covid 19 pandemic clearly demonstrates how adversely affected the vulnerable have been, and the need to be able to quickly respond to meet their needs.
5. Within the capital programme £1.8m has been allocated for Empty Property and Development which brings together previous allocated monies that were carried forward from the Community Housing funds allocated in 2016 and the capital allocation from April 2019 (a total of £1m) and the additional capital allocation of £0.8m from April 2020. The previous decision to combine these funds within the capital programme allows for efficiencies when managing the grant and creates overall council funding allocation of £1.8m supporting the wide range of eligible vulnerable groups as set below.
6. Requests for grants could be made by Registered Providers (RP), private landlords delivering affordable housing solutions or used internally to address identified needs within other departments of the council. The obligations could range from providing adaptable accommodation for people with physical disabilities to providing secure accommodation for people with learning disabilities. Therefore requests for funding are managed through an application process which assesses demand and value for money. Experienced officers within Strategic Housing undertake the assessment and make recommendations as per the scheme of delegation for approval from the Director of Economy and Place Grant requests can range from £3k - £500k to address a range of initiatives to meet demand.
7. The following are the eligible areas of activity that the grant funding will support (subject to the application and approval process);
 - **Care Experienced Young People** - the council has corporate parenting responsibility for Care Experienced Young People and a duty to accommodate care leavers, the grant will enable the provision of specialist accommodation for use by the council. This will create much needed additional capacity to meet the needs of

the young people complemented by commissioning of the appropriate support. There is a particular need currently for safe and appropriate supported accommodation for a cohort of care leavers with needs arising from chaotic behaviour, to enable them to transition to more independent living.

- **Accommodation for those with Physical Disabilities** In severe cases where applicants require a larger or very specific property due to the nature of their disabilities, and the property is not available through Home Point, the council could purchase a property from the open market and refurbish it to meet their needs.. Grant could also be awarded to an RP to meet this need. Any significant delay in re-housing disabled households is likely to lead to escalating social care and health needs and associated increased costs in these services, this could include the cost of residential care, as well as increasing costs of temporary accommodation.
- **Disabled Facilities Grants (DFG) Top Up** - The council administers the DFG, providing support through the Housing Grants, Construction and Regeneration Act 1996 for the provision of grant aided adaptations for disabled persons' properties within the UK. DFG is classed as a mandatory grant which means councils have a legal duty to deliver this over and above all non-mandatory grants and council activity. On occasion the works required exceed the level of funding available through the DFG. The provision of 'top up' grant support enables the householder to remain in their existing property usually where their support network is located.
- **Empty Properties (based on grant of £15k for a 2 bed)** – A grant enabling owners of empty homes to bring their properties back into occupied use. The grant will provide financial assistance to those owners who cannot access private funding and without financial assistance the property will remain empty. In exchange for the grant an applicant from the Home Point waiting list will be accommodated in the property for a minimum of 6 years. A grant agreement is signed by the home owner prior to the release of grant and a Land Registry charge is placed on the property and remains there for a period of 6 years.**Veterans** - Grant could be utilised for a number of developments such as the veterans self build or to provide accommodation for veterans leaving the services with mental or physical health problems.
- **Accommodation for those with learning disabilities** – Grants could be required for an individual self-contained property or a supported scheme for a number of applicants. Working closely across Directorates, an identified need would have to be demonstrated before any development would commence.
- **Support for priority groups**- To provide housing solutions for all vulnerable cohorts, as far as possible, the council plan developments and endeavour to make best use of affordable housing stock in the County. However as the council currently has a limited stock holding we have little control of what becomes available. On occasion housing situations are presented that aren't planned but a solution has to be found, such as accommodation for ex-offenders, mental health or gypsy and travellers.

Community impact

8. The Councils Delivery Plan 2020 – 2022 has a commitment to build publicly owned sustainable and affordable houses and bring empty properties back into use
9. The County Plan 20202 – 2024 aims to shape the future of Herefordshire and encourage and strengthen communities whilst creating a thriving local economy and protecting and

enhancing the environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business.

10. Strategic Housing maintain an accessible homes register and currently has 44 households on that register who are in need of wheelchair accessible dwellings. Priority 1 of the Council's interim Housing Strategy 2016 – 2020 is to ensure that the council improves housing supply and access to housing. These additional dwellings would meet this priority and would remain in perpetuity.
11. The proposed decision will have a direct constructive benefit for Care Experienced Young People or care leavers and therefore will advance the council's role as corporate parent. Safe and appropriate accommodation with support to promote independence is a key priority within the Council's Corporate Parenting Strategy 20202 - 2023. The capital grant will enable the increase of accommodation for these user groups overall and enable the council to support care leavers with chaotic lifestyles to become more independent.

Environmental Impact

12. For the Council to increase the amount of affordable housing and have an element of control will assist in delivering the Council's environmental policy commitments and aligns to the following success measures in the County Plan:
 - Increase flood resilience and reduce levels of phosphate pollution in the county's river – by ensuring that new developments take into account opportunities to minimise the impact on the environment including, where appropriate, through grey water capture and other methods.
 - Reduce the Council's carbon emissions – seeking high levels of sustainability and energy efficiency in construction.
 - Improve the air quality within Herefordshire – supporting the development, where appropriate, of car free schemes in new developments and making provision for safe cycling and walking spaces.
 - Improve residents' access to green space in Herefordshire - ensuring new developments make appropriate provision for green space and the use of appropriate, indigenous planting.
 - Increase the number of short distance trips being undertaken by sustainable modes of travel – walking, cycling, public transport – promoting access to sustainable modes of transport in the master-planning of larger scale developments.
13. The Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
14. By bringing empty properties back into use, the council will be reducing the environmental impact of these properties which could otherwise have detrimental effects on people's health.

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
- A public authority must, in the exercise of its functions, have due regard to the need to -
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. Approving this decision will provide particular benefit for disabled people, care leavers and Care Experienced Young People who belong to groups who share protected characteristics.
17. The accommodation will add to the county's housing stock and will be affordable in perpetuity allowing future households who share protected characteristics to have access to appropriate accommodation. This demonstrates the council's commitment to equality and that we are being pro-active in our approach to ensuring that the right properties are available.

Resource implications

18. The capital cost to the council is to be met in full from the capital allocation for Empty Property and Development which is £1.8m and covers the financial period April 2020 until March 2023. Strategic Housing are currently in discussions with Registered Providers to deliver housing solutions for the identified priority groups to include accessible housing for physically disabled households, the homeless, temporary accommodation, all vulnerable groups, gypsy & travellers and Veterans.
19. The capital grant has been broadly allocated across the eligible areas of activity described above, shown in the Table 1 based on evidence of housing need. It should be noted that a degree of flexibility would be required to move monies within the identified eligible areas if housing demand changes, authority would be sought from the Director of Economy and Place in consultation with the cabinet member and S151 Officer as per recommendation (c) above.

Table 1. Proposed Indicative Capital Schemes and Grant Requirements to be funded from Corporate Funded Borrowing for 2020 – 2023

Eligible Areas of Support	Indicative Grant Required	Indicative Units
	£000	
Homeless/ Temporary Accommodation	150	10
Young Adults/ LAC/ Care Leavers	200	5
Accommodation for those with Physical Disabilities	300	5
DFG Top Up	200	8

Empty Properties (based on grant of £15k for a 2 bed)Veterans	637	53
Accommodation for those with learning disabilities	100	3
Veterans	120	12
To be allocated to priority groups	182	5
Overall Total:	1,889	101

20. Value for money has to be demonstrated before any grant funding application is considered. The RP's have a VFM obligation as well so have to meet their own tests which is then shared with the council. A rigorous grant application process is undertaken, on receipt of all required documentation Strategic Housing undertake the assessment often jointly with Property Services and procurement and make recommendations as per the scheme of delegation for approval from the Director of Economy and Place (as per recommendation (b) above). Once approval is given the council enters into a legal agreement with the recipient of the grant. Grant is paid in tranches on receipt of proof of works. All grant application paperwork is attached at Appendix 1 – 5.

Legal implications

21. The council has a statutory duty under Part VII of the Housing Act 1996 (HA 1996) to accommodate households who are in priority need and unintentionally homeless. Section 189(1) HA 1996 and the Homelessness (Priority Need for Accommodation) (England) Order 2002 provide that those with a priority need for housing will include households with dependent children, pregnant women, applicants who are vulnerable as a result of old age, mental illness, learning disability or physical disability, those vulnerable as a result of serving a prison sentence or having served in the armed forces and care leavers.
22. Section 206(1) HA 1996 provides that where a housing authority discharges its functions to secure that accommodation is available for an applicant, that accommodation must be suitable for that applicant and his or her household.
23. In determining suitability of accommodation, the council will need to take into account matters such as affordability (Homelessness (suitability of accommodation) Order 1996 (SI 1996)), the safeguarding and welfare of any children in the household (s11 Children Act 2004) and physical condition of the property. Section 208(1) of the HA 1996 requires the council shall, in discharging their housing functions under Part VII of the HA1996, in so far as it is reasonably practicable, secure accommodation within the council's area.
24. The council will also need to ensure that policies and decisions relating to homelessness and threatened homelessness do not amount to unlawful conduct under the Equality Act 2010 and also comply with the public sector equality duty (s149(1) Equality Act 2010). This will be particularly relevant in relation to those in housing need with disabilities.
25. The council must ensure that Bed and Breakfast accommodation is only used in exceptional circumstances for certain vulnerable groups (paras 17.40 and 22.27 Homelessness Code of Guidance) and for a maximum period of six weeks only for applicants with family commitments (The Homelessness (Suitability of Accommodation) (England) Order 2003 (S(2003 No 3326)).

Risk management

26.

Risk / opportunity	Mitigation
Should the recommendations in the report not be adopted, the risks from not housing these households with an outcome of permanent accommodation could be as follows:	
a. Judicial review around the issue of whether the council has fulfilled its homelessness duty, with associated financial, legal and reputational risks.	Ensure a full homelessness assessment has been completed and then prioritise this cohort for housing
b. Increased risk of having to find temporary accommodation at a substantial cost to the council in housing physical disabled households	Ensure a pipeline of wheelchair accessible/ physically adapted properties are continued to be negotiated through planning gain wherever possible.

Consultees

27. The Cabinet Member for Housing, Regulatory Services and Community Safety consulted and supportive.
28. Political Groups consulted, no comments received back

Appendices

Appendices 1 - 5

Background papers

None